THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.1267 OF 2006

Dt.25.1.2006

Between:

Tella Anjaiah … Petitioner

And

The District Collector, Prakasam District,

Ongole and 5 others. … Respondents

ORDER:

This writ petition is filed seeking Mandamus declaring the action of the first respondent in not disposing of the stay petition filed along with the Revision Petition aggrieved by the proceedings in Rc.CS2/4251/2005, dt.12.1.2006 issued by the 2nd respondent as illegal, arbitrary and against the provisions of the Essential Commodities Act.

The petitioner has been appointed as permanent fair price shop dealer of Korisapadu Village, Korisapadu Mandal, Prakasam District in the year 1985. Certain disciplinary proceedings have been initiated against the petitioner and after conducting enquiry the Revenue Divisional Officer, Ongole, found that the irregularities committed by the petitioner are minor in nature and therefore a lenient view is taken

imposing a fine of Rs.300/- and the disciplinary proceedings are dropped vide order dated 25.10.2005. As against the said order, respondents 5 and 6, cardholders of the said village, filed an appeal before the Joint Collector, Ongole and the Joint Collector allowed the appeal by order dated 12.1.2006. As against the said order, the petitioner filed a revision before the Collector on 19.1.2006 along with stay application. It is stated that the revisional authority has not considered and disposed of the stay application so far.

Heard the learned counsel for the petitioner, the learned Government Pleader for Civil Supplies on behalf of respondents 1 to 4 and the learned counsel appearing on behalf of respondents 5 and 6 and the writ petition is being disposed of with their consent at the admission stage.

I am of the opinion that when the petitioner succeeded before the original authority and has been distributing essential commodities, if the stay is not granted pending disposal of the revision, the cardholders may get inconvenienced. Therefore, I am of the view that it is just and proper to grant stay of the operation of the order of the Joint Collector, Ongole dated 12.1.2006 pending disposal of the revision. Accordingly, the first respondent/revisional authority is directed to consider and dispose of revision after hearing the petitioner as well as respondents 5 and 6 herein, who are appellants before the Joint Collector, in accordance with law within six weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

(V.ESWARAIAH, J.)

25.1.2006

Note: Issue copy by 27.1.2007

B.O.

kpr